

Notice of Allowability

Application No.

10/616,909

Examiner

WILLIAM D. CUMMING

Applicant(s)

KIKUMA & HAMABE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on August 4, 2005.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 11 July 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or make obvious the claimed a method for changing over to a different frequency at a cellular phone system, in which a mobile communication terminal, a first base station and a second base station, and a base station controlling apparatus are provided. The first base station communicates with said mobile communication terminal by setting a channel using a first frequency, and the second base station communicates with the mobile communication terminal by setting a channel using a second frequency, and the mobile communication terminal is controlled to measure first reception quality in said first frequency during the communication with said first base station by setting a channel. Also the mobile communication terminal is controlled to measure second reception quality in the second frequency corresponding to the first reception quality during the communication with the first base station by setting the channel. The mobile communication terminal is controlled to communicate with the second base station by changing over the channel from the first base station to the second base station corresponding to the first and second reception quality. The method for changing over to a different frequency comprising the claimed step of changing the condition of measuring said second reception quality corresponding to the traffic in said first frequency by said base station controlling apparatus.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "*Comments on Statement of Reasons for Allowance.*"

Election/Restrictions

3. Claims 25-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 4, 2005.

4. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Response to Amendment**5. New Patents Central FAX Number And Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence**

The United States Patent and Trademark Office (Office) requires most patent related correspondence to be: **a)** faxed to the Central FAX number (571-273-8300) (updated as of July 15, 2005), **b)** hand carried or delivered to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), **c)** mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or **d)** transmitted to the Office using the Office's Electronic Filing System. This notice replaces all prior Office notices specifying a specific fax number or hand carry address for certain patent related correspondence.

New Central FAX Number: On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".

General "Centralized Delivery" Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window, and facsimile transmissions must be sent to the Central FAX number (571-273-8300), unless an exception, as noted below, applies. Exceptions to the general policy of "centralized delivery" generally involve situations where special handling of the patent related correspondence is available. All the current exceptions are listed in this notice. Correspondence which is not related to a specific patent or patent application, such as a question on policy, on employment, or other general inquiry, is not covered by this notice.

Updated Lists of Exceptions: Lists I and II below set forth all the current exceptions to the "centralized delivery" policy and reflect certain changes since exceptions were last published on March 29, 2005.ⁱ One change is that all facsimile-transmitted correspondence specifically directed to the Office of Initial Patent Examination must now be sent to the Central FAX number as the prior exceptions relating to facsimile-transmitted requests for corrected filing receipts and responses to Notices to File Missing Parts have been eliminated. Exceptions were added at the end of Lists I and II for correspondence for the Office of Enrollment and Discipline and correspondence for the Office of Finance. List I, exception 8 was updated to reflect that a drop box is now located at the guard station in the Knox building for hand-carried petitions for a foreign filing license pursuant to 37 CFR 5.12(b) for which expedited handling is requested, and hand-carried petitions for a retroactive license under 37 CFR 5.25. List II, exception 6 was updated to reflect that the facsimile number exception for correspondence related to reexamination proceedings other than the initial request now applies to *ex parte* reexamination as well as *inter partes* reexamination proceedings.

List I – Exceptions for Certain Hand Carried Correspondence

Current exceptions: Only the following types of correspondence may be delivered (hand-carried) to the specific location provided below instead of the Customer Service Window. If correspondence listed below is carried to the Customer Service Window, the correspondence will be accepted and routed to the appropriate office.

1. Access Requests: Requests for access to patent application files may continue to be hand carried to the File Information Unit (FIU) in Room 2E04, 2900 Crystal Drive (South Tower), Arlington VA 22202. Requests for access to patent application files that are maintained in the Image File Wrapper system and that have not yet been published may also be hand carried to the Public Search Facility on the 1st floor of the Madison East building, 600 Dulany Street, Alexandria VA 22314.

2. Patent Term Extensions under 35 U.S.C. § 156: Patent term extension applications under 35 U.S.C. 156 (Hatch/Waxman) may be hand-carried to the Office of Patent Legal Administration (OPLA) in Room 7D85, 600 Dulany Street (Madison West building), Alexandria VA 22314. At the guard station in Madison West (near the elevators), the security guard should call the OPLA at either 571-272-7744 or 571-272-7746 for delivery assistance.

3. Assignments to be Recorded: Assignments may be hand-carried to the Office of Public Records Customer Service Window on the 2nd floor of the South Tower building, 2900 Crystal Drive, Arlington VA 22202.

4. Office of General Counsel: Correspondence for the Office of General Counsel may be hand-carried to the Office of General Counsel in Room 10C20, 600 Dulany Street (Madison East building), Alexandria VA 22314. At the guard station in Madison East (near the elevators), the security guard should call the Office of General Counsel at 571-272-7000 for delivery assistance.

5. Solicitor's Office: Correspondence for the Solicitor's Office may be hand-carried to the Solicitor's Office in Room 8C43, 600 Dulany Street (Madison West building), Alexandria VA 22314. At the guard station in Madison West (near the elevators), the security guard should call the Solicitor's Office at 571-272-9035 for delivery assistance.

6. Interference related correspondence: Correspondence relating to interferences may be hand-carried to the 1st floor lobby of Madison East building, 600 Dulany Street, Alexandria VA 22314, where a drop-off box for hand-carried documents to be filed with the Board of Patent Appeals and Interferences is located. Customers need to pass through the magnetometer and have the materials passed through the x-ray sensors before placing them in the drop-off box. The drop-off box is for Interference related correspondence ONLY. Boxes are not permitted in the drop-off box. Boxed materials should be hand-carried to Madison East, Room 9B55-A using the following procedures. At the first floor guard station in Madison East (near the elevators), the security guard should call the Board of Patent Appeals and Interferences at 571-272-9797 to obtain authorization to allow entry into the building for delivery to Room 9B55-A. Access

to Room 9B55-A is available on business days from 8:30 a.m to 4:45 p.m. only. Documents/boxes hand-carried to the drop-off box or to Room 9B55-A after 4:45 p.m. (EST) will receive the next business day's filing date. Customers desiring a stamped return receipt for their filing need to personally bring their filing and postcard to Room 9B55-A during the hours stated above, or leave the postcard with the filing (postcard must include correct postage mail stamp and the address where the postcard it to be mailed). The Board will stamp the filing date and mail the postcard to the customer.

7. Secrecy Order: Applications subject to a secrecy order pursuant to 35 U.S.C. 181, or which are national security classified, and correspondence related thereto, may be hand-carried to the Licensing and Review location. See 37 CFR §§ 5.1(c) and 5.2(c). The Licensing and Review location is: Technology Center 3600, Room 4B31, 501 Dulany Street (Knox building), Alexandria VA 22314. At the guard station in Knox (near the elevators), the security guard should call Licensing and Review at 571-272-8203 for delivery assistance.

8. Expedited Foreign Filing License Petitions: Petitions for a foreign filing license pursuant to 37 CFR 5.12(b) for which expedited handling is requested and petitions for a retroactive license under 37 CFR 5.25, may be hand-carried to the drop box located at the guard station in the Knox building. Upon approaching the guard station, the delivery personnel should state their desire to drop off the request. Correspondence packages will be inspected/scanned before being placed in the drop box. All requests should identify a fax number, telephone number and mailing address. All responses to the request will be sent by fax, followed by a mailed copy. If a fax number is not available, a hardcopy will be mailed to the mailing address provided.

9. Petitions to Withdraw from Issue: Petitions to Withdraw from Issue may be hand carried to the Office of Petitions on the 7th floor of the Madison West building, 600 Dulany Street, Alexandria VA 22314. At the guard station in Madison West (near the elevators), the security guard should call the Office of Petitions at 571-272-3282 for delivery assistance. Hand carried papers will be accepted on business days between the hours of 8:30 a.m. until 3:45 p.m.

10. Documents requested by the Office of Patent Publication: Documents requested by the Office of Patent Publication may be hand carried to the Office of Patent Publication in Room 8A24, 2900 Crystal Drive (South Tower building), Arlington VA 22202, during business hours.

11. Office of Enrollment and Discipline (OED): Correspondence for the Office of Enrollment and Discipline may be hand-carried to the receptionist at Room 8C43-B, 600 Dulany Street (Madison East building), Alexandria VA 22314. At the guard station in Madison East (near the elevators), the security guard should call the Office of Enrollment and Discipline at 571-272-4097 for delivery assistance.

12. Office of Finance: Refund requests, deposit account replenishments, and maintenance fee payments may be hand-carried to the Office of Finance receptionist in Suite 300, 2051 Jamieson Avenue (Carlyle Place building),

Alexandria, VA 22314. Hand-carried correspondence will only be accepted, and not processed. Although the receptionist will not process any correspondence, if the correspondence is delivered with an itemized postcard, the receptionist will provide a delivery receipt by date stamping the postcard. Depending on whether the correspondence is a refund request, deposit account related (e.g., a deposit account replenishment), or maintenance fee related (e.g., a maintenance fee payment), the correspondence should be placed in an envelope with REFUND, DEPOSIT ACCOUNT, or MAINTENANCE FEE written in dark ink across the envelope.

List II - Exceptions for Certain Facsimile Transmitted Correspondence

For each Office location listed below, only the particular type of correspondence indicated may be transmitted to the specific facsimile number at that Office location. All other types of facsimile transmitted correspondence must be sent to the Central FAX number (571-273-8300).

1. PCT Operations and PCT Legal Administration: Correspondence subsequent to filing in an international application before the U.S. Receiving Office, the U.S. International Searching Authority, or the U.S. International Examining Authority:

Papers in international applications: 703-305-3230 facsimile number
Response to Decisions on Petition: 571-273-0459 facsimile number.

Note: An international application for patent or a copy of the international application and the basic national fee necessary to enter the national stage, as specified in 37 CFR 1.495(b), may NOT be submitted by facsimile. See 37 CFR 1.6(d)(3) (referencing 37 CFR 1.8(a)(2)(i)(D) and (F)). Subsequent correspondence may be transmitted by facsimile in an application before the U.S. Receiving Office, the U.S. International Searching Authority, or the U.S. International Examining Authority, but it will NOT receive the benefit of any certificate of transmission (or mailing). See 37 CFR 1.8(a)(2) (i)(E). Correspondence during national stage, subsequent to entry, are handled in the same manner as a U.S. national application.

The PCT Help Desk: 571-273-0419 facsimile number 571-272-4300 telephone number

2. Office of Patent Publication: Payment of an issue fee and any required publication fee by authorization to charge a deposit account or credit card, and drawings: 703-746-4000 facsimile number

Note: Although submission of drawings by facsimile may reduce the quality of the drawings, the Office will generally print the drawings as received.

Office of Patent Publication telephone numbers to check on receipt of payment: 703-308-6789 or 1-888-786-0101

3. Office of Pre-Grant Publication

Petitions for express abandonment to avoid publication under 37 CFR 1.138(c), and Requests for express abandonment under 37 CFR 1.138: 703-305-8568 facsimile number

Pre-Grant Publication Division telephone number for questions relating to the publication of patent applications: 703-605-4283. Questions may also be directed by e-mail to pgpub@uspto.gov.

4. Electronic Business Center (EBC)

Requests for Customer Number Data Change (PTO/SB/124), and Requests for a Customer Number (PTO/SB/125): 571-273-0177 facsimile number

Note: The EBC may also be reached by e-mail at: ebc@uspto.gov.

EBC telephone number for customer service and assistance: 866-217-9197

5. Assignment Branch

Assignments or other documents affecting title: 703-306-5995 facsimile number

Note: Customers may submit documents directly into the automated Patent and Trademark Assignment System and receive the resulting recordation notice at their facsimile machine. (Assignment documents submitted through the Electronic Patent Assignment System also permits the recordation notice to be faxed to customers.) Credit card payments to record assignment documents are now accepted, and use of the Credit Card form (PTO-2038) is required for the credit card information to be separated from the assignment records. Only documents with an identified patent application or patent number, a single cover sheet to record a single type of transaction, and the fee paid by an authorization to charge a USPTO deposit account or credit card may be submitted via facsimile. Please refer to the USPTO Web Site, at <http://www.uspto.gov/web/offices/ac/ido/opr/ptasfax.pdf> for more information regarding the submission of assignment documents via facsimile.

Assignment Branch telephone number for assistance: 703-308-9723

6. Central Reexamination Unit (CRU)

Ex parte and *Inter partes* reexamination correspondence, except for the initial request: 571-273-0100 facsimile number

Note: Correspondence related to reexamination proceedings will be separately scanned in the CRU.

CRU telephone number for customer service and inquiries: 571-272-7705

7. Board of Patent Appeals and Interferences

Correspondence related to pending interferences permitted to be transmitted by facsimile (only where expressly authorized, see 37 CFR 1.6(d)(9)): 571-273-0042 facsimile number

Note: Correspondence should not be transmitted to this number if an interference has not yet been declared.

8. Office of the General Counsel

Correspondence permitted to be transmitted to the Office of General Counsel: 571-273-0099 facsimile number

9. Office of the Solicitor

Correspondence permitted to be transmitted by facsimile to the Office of the Solicitor: 571-273-0373 facsimile number

10. Licensing and Review

Petitions for a foreign filing license pursuant to 37 CFR 5.12(b), including a petition for a foreign filing license where there is no corresponding U.S. application (37 CFR 5.13):

571-273-0185 facsimile number

Note: Correspondence to be filed in a patent application subject to a secrecy order under 37 CFR Sec. 5.1 through 5.5 and directly related to the secrecy order content of the application may NOT be transmitted via facsimile. See 37 CFR Sec. 1.6(d)(6).

11. Office of Petitions

Petitions to Withdraw from Issue: 571-273-0025 facsimile number

Note: All other types of petitions must be directed to the Central FAX Number (571-273-8300). Petitions to Withdraw from Issue sent to the Central FAX Number should be marked "Special Processing Submission".

12. Office of the Enrollment and Discipline

Correspondence permitted to be transmitted to the Office of Enrollment and Discipline: 571-273-0074 facsimile number

13. Office of Finance

Refund requests, deposit account inquiries, and maintenance fee payments: 571-273-6500 facsimile number

Office of Finance telephone number for customer service and inquiries: 571-272-6500

Questions regarding this notice may be e-mailed to PatentPractice@uspto.gov, or directed to the Inventors' Assistance Center by telephone at 800-786-9199, or 571-272-1000.

6/20/05 /sl/

Allowable Subject Matter

6. Claims 1-24 are allowed.

7. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM D. CUMMING** whose telephone number is 571-272-7861. The examiner can normally be reached on Monday-Wednesday, 11:00am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM D. CUMMING
Primary Examiner
Art Unit 2683

Wdc



UNITED STATES
PATENT AND
TRADEMARK OFFICE
